

459059 (Reg)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**AND FIRST CLASS MAIL**

JUL 31 2002

Richard Heller  
312 Woodridge Lane  
Wallingford, PA 19086

**Re: Required Submission of Additional Information  
Lower Darby Creek Area Superfund Site - Clearview Landfill, Folcroft Landfill,  
and Folcroft Landfill Annex**

Dear Mr. Heller:

On July 3, 2002, the U.S. Environmental Protection Agency ("EPA") issued an information request ("Information Request") (copy of which is enclosed) to you, requiring the submission of information and/or documents relating to the Lower Darby Creek Area Superfund Site ("Site") from pursuant to Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. § 9604(e)(2). On July 17, 2002, a copy of that Information Request was hand delivered to your home and accepted and signed for by Brian Heller (copy of affidavit of delivery enclosed). An additional copy of the Information Request was delivered to your attorney, James Asher Lynch, III, on July 25, 2002 via Federal Express.

Accordingly, a **complete response** is due on or before August 9, 2002. EPA received an incomplete response to the Information Request on July 26, 2002. Specifically, the response was not submitted and signed by you, but rather, was submitted and signed by your attorney on your behalf. Page one of the July 3 Information Request requires that a full and complete response be submitted and signed by you, Richard Heller, not by your representative. In addition, in the response submitted by Mr. Lynch on your behalf, you have failed to fully and completely respond to the questions posed in Enclosure F of the July 3 Information Request. Specifically, the response failed to adequately and completely answer questions and to include requested documents, descriptions, and other clarifying information.

Answers to the following questions in the Information Request were particularly unresponsive:

*Customer Service Hotline: 1-800-438-2474*

Original  
/Reg

Question 1j - EPA is aware that several additional companies or individuals currently lease property from you including, Suburban Waste Services, Inc., Kenny's Auto Repair, H & H Disposal. This question requires you to describe in detail and provide a copy of any and all lease arrangements with these and any other current or former tenants of the Site property;

Questions 2a and 2b; and

Questions 21 through 32. You are listed as a personal representative of your father, Edward Heller's estate and as such have access to the requested information and documents required by the July 3 Information Request (see enclosed Case Information Docket).

### **NOTICE OF POTENTIAL ENFORCEMENT ACTION**

EPA hereby advises you that your failure to respond fully and truthfully to each question, or to justify adequately your failure to respond, may subject you to an enforcement action by EPA, pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5). This section authorizes EPA to issue an order directing compliance with an information request made under the statute "after such notice and opportunity for consultation as is reasonably appropriate under the circumstances." This letter constitutes such notice.

In addition, Section 104(e)(5)(B) of CERCLA, 42 U.S.C. § 9604(e)(5)(B), allows EPA to seek judicial enforcement of an information request and authorizes the federal district courts to assess a civil penalty not to exceed \$27,500 for each day of non-compliance. In recent decisions, courts have assessed significant penalties against parties which had not complied with EPA information requests.

All documents and information should be submitted to:

Ms. Carlyn Winter Prisk (3HS11)  
U.S. Environmental Protection Agency  
1650 Arch Street  
Philadelphia, PA 19103

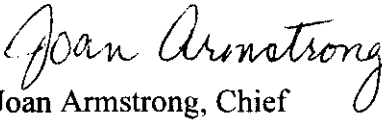
Be advised that the provision of false, fictitious or fraudulent statements or representations may subject you to criminal sanctions under 18 U.S.C. § 1001.

If you have any questions concerning this matter, please contact Ms. Prisk at (215) 814-2625. Questions of a legal nature may be addressed to Brian Nishitani, Senior Assistant Regional Counsel, at (215) 814-2675.

2002-07-04  
18601

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501, et seq.

Sincerely,

  
Joan Armstrong, Chief  
PRP Investigation and  
Site Information Section

Enclosures: July 3, 2002 Information Request  
Affidavit of Harry R. Steinmetz  
Case Information Docket, 01-002127  
Response of James Asher Lynch, III

cc: Mr. Brian Nishitani (3RC44)  
Ms. Gwen Pospisil (3RC44)  
Ms. Kristine Matzko (3HS21)  
Mr. Craig Olewiler (PADEP Harrisburg)  
Ms. April Flipse (PADEP Conshohocken)  
James Asher Lynch, III, Esquire



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

JUL 03 2002

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Richard Heller  
312 Woodridge Lane  
Wallingford, PA 19086

**Re: Required Submission of Additional Information  
Lower Darby Creek Area Superfund Site - Clearview Landfill, Folcroft Landfill,  
and Folcroft Landfill Annex**

Dear Mr. Heller:

On August 31, 2001, the U.S. Environmental Protection Agency ("EPA") issued a letter to you requiring the provision of information and/or documents relating to the above-referenced Site, pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, ("CERCLA"), 42 U.S.C. § 9604(e) ("Information Request"). EPA has reviewed your response, which was dated November 9, 2001, and received by EPA on November 27, 2001.

Based on your response, EPA requests additional information, as set forth in Enclosure F hereto, concerning the Clearview Landfill and its operations.

Pursuant to the authority of Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), EPA has the authority to require you, to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer to, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. § 9601(33), which were transported to, stored, treated, or disposed of at the above-referenced Site.

Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

*Customer Service Hotline: 1-800-438-2474*

11/10/84

You must respond in writing to this required submission of information within **fifteen (15) calendar days** of your receipt of this letter. For a corporation, the response must be signed by an appropriately authorized corporate official. For all other entities, the response must be signed by an authorized official of that entity.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

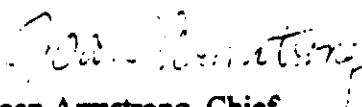
All documents and information should be sent to:

Ms. Carlyn Winter Prisk (3HS11)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

If you have any questions concerning this matter, please contact Civil Investigator Carlyn Winter Prisk at (215) 814-2625, or have your attorney contact Brian Nishitani of EPA's Office of Regional Counsel at (215) 814-2675. To discuss the Site in general or the nature of the cleanup, contact Kristine Matzko, the Remedial Project Manager, at (215) 814-5719.

Sincerely,

  
Joan Armstrong, Chief  
PRP Investigation and  
Site Information Section

Enclosures:    Enclosure A: Lower Darby Creek Area Site Map  
                  Enclosure B: Business Confidentiality Claims/Disclosure of Your Response to  
                                 EPA Contractors and Grantees  
                  Enclosure C: List of Contractors that May Review Your Response  
                  Enclosure D: Definitions  
                  Enclosure E: Instructions  
                  Enclosure F: Questions

cc:    Mr. Brian Nishitani (3RC44) EPA Region III, Office of Regional Counsel  
         Ms. Gwen Pospisil (3RC44) EPA Region III, Office of Regional Counsel  
         Ms. Kristine Matzko (3HS21) EPA Region III, Remedial Project Manager  
         Mr. Craig Olewiler (Harrisburg) Pennsylvania Department of Environmental Protection  
         Ms. April Flipse (Conshohocken) Pennsylvania Department of Environmental Protection  
         James Asher Lynch, III, Esquire

1/10/01



Enclosure B

**Business Confidentiality Claims**

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

**Disclosure of Your Response to EPA Contractors and Grantees**

EPA may contract with one or more independent contracting firms (See "Enclosure C") to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. Section 9604(e)(7), and EPA's regulations at 40 C.F.R. Section 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure C, you must notify EPA in writing at the time you submit such documents.



List of Contractors That May Review Your Response

- Daston Corporation -  
Contract #68-S3-01-01  
Subcontractor to Daston Corporation is:  
Dynamac Corporation
- Tetra Tech EM, Inc. -  
Contract #68-S3-0002  
Subcontractor to Tetra Tech EM, Inc. is:  
Eagle Instruments, Inc.
- Ecology and Environment, Inc. -  
Contract #68-S3-0001  
Subcontractor to Ecology and  
Environment, Inc. is:  
S & S Engineers, Inc.
- IT Corporation - Contract #68-S3-00-06  
Subcontracts to IT Corporation are:  
Weavertown Environmental Group  
Environmental Restoration Company
- Earth Tech, Inc. - Contract #68-S3-00-07  
Subcontractors to Earth Tech, Inc. are:  
Industrial Marine Services, Inc.  
Cline Oil  
Hertz Equipment Rental
- Guardian Environmental Services, Inc. -  
Contract #68-S3-99-04
- ECG Industries, Inc. -  
Contract# 68-S3-99-05  
Subcontractor to ECG Industries, Inc. is:  
Earth Tech, Inc.
- Industrial Marine Services, Inc. -  
Contract #68-S3-99-06  
Subcontractors to Industrial Marine  
Services, Inc. are:  
Earth Tech, Inc.  
Engineering and Environment, Inc.
- Tetra Tech NUS Inc. -  
Contract #68-S6-3003  
Subcontractors to Tetra Tech NUS Inc.  
are:  
Gannett Fleming, Inc.  
Dynamic Corporation  
C. C. Johnson & Malhotra, P.C.
- CDM-Federal Programs Corporation -  
Contract #68-S7-3003  
Subcontractors to CDM-Federal  
Programs Corporation are:  
Tetra Tech EM, Inc.  
Robert Kimball & Associates  
PMA & Associates  
Horne Engineering  
Pacific Environmental Services
- Black and Veatch Waste Science and  
Technology Corporation/Tetra Tech,  
Inc. - Contract #68-S7-3002
- Universe Technologies -  
Contract #68-S3-99-02
- Tech Law, Inc. -  
Contract #68-W-00-108

List of Cooperative Agreements

- National Association of Hispanic  
Elderly - #CQ-822511
- AARP Foundation (Senior  
Environmental Employment) -  
#824021  
#823952

**Definitions**

- The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
- The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
- The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
- The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any

organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

- The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
- The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
- The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

Enclosure E

**Instructions**

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure B, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure D, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure D. Those terms shall have the meaning set forth in Enclosure D any time such terms are used in this Information Request and/or its Enclosures.

**Enclosure F**

**Information Requested**

*In your November 9, 2001, response you indicated that "After closing [of the landfill you] leased a portion of the property from the owner of the land, Ethel Heller. Lease payments involved paying of all real estate taxes." Please answer the following concerning that statement.*

1. Describe in detail, and provide a copy of, the current or historic lease arrangements or agreements, between you, and/or Clearview Land Development Company, and/or any other party or individual and the following, for use of the property located at Avenue A and Darby Creek in Darby Township and formerly operated as the Clearview Landfill ("the subject property"):
  - a. Citywide Services, Inc.;
  - b. Bob O'Donnell Company;
  - c. Hercules Hose Company;
  - d. DiLorenzo Company;
  - e. Robert Cianci Vehicle Junkyard;
  - f. Roma Associates;
  - g. Piotti Construction;
  - h. C & E Transfer Companies;
  - i. Philly Fasteners, Inc; and
  - j. Any other individual or company.
2. For each of the above, please answer the following:
  - a. To whom is rent currently paid or to whom was the rent historically paid; and
  - b. What are the current or former terms of the lease arrangements or agreements?
3. Please list and describe the facts which lead you to conclude that Ethel Heller is/was the owner of the subject property. Please respond in light of the enclosed deed which lists Clearview Land Development Company as the title holder since 1958.
4. Are you (Richard Heller) currently paying, or have you historically paid, the real estate taxes on the property owned by Clearview Land Development Company? Please list the years for which you have personally paid these taxes.
5. If you (Richard Heller) are not currently paying, or have not historically paid, the real estate taxes on the subject property, please identify the party or parties that are paying or have paid the taxes and the specific years in which each party or parties did so.
6. Who are the current listed shareholders and officers of the Clearview Land Development Company?

**Customer Service Hotline: 1-800-438-2474**

*Please answer the following questions #7-19 concerning your mother, Ethel Heller, and the Estate of Ethel Heller ("Estate").*

7. On what date did Ethel Heller die?
8. Provide copies of the following tax returns for the Estate:
  - a. Federal Form 706.
  - b. State Inheritance Tax Return.
9. Identify and provide copies of all probate filings in any state for the Estate.
10. Identify and provide copies of all documents showing receipts and expenditures, assets and liabilities, profits and losses, distributions of corpus and income (including the name and social security numbers of beneficiaries), and all other records used for recording the Estate's financial affairs.
11. Identify and provide copies of all documents showing agreements between the Estate and other persons.
12. Identify and provide copies of all documents showing transactions between the Estate, its executors and personal representatives, and beneficiaries.
13. Did Ethel Heller create any Trusts or was she the beneficiary, settlor, grantor or trustee of any Trust?
14. Did Ethel Heller transfer any assets greater than \$10,000 within three years of her death?
15. What assets were available in Ethel Heller's Estate and to whom were they distributed?
16. Who was/were the executor(s) of Ethel Heller's Estate?
17. Did Ethel Heller's Estate include her stock or other interest in the Clearview Land Development Company? If so, to whom was such stock or other interest distributed? If such stock or other interest was not included in the estate, please explain why it was not, and what was done with it instead.
18. What was the last date by which creditors were permitted to file claims against the Estate?
19. Please provide a copy of the will, inventory, final accounting, and final distribution, of Ethel Heller's Estate.

*Please answer the following questions #20-32 concerning your father, Edward Heller, and the Estate of Edward Heller ("Estate").*

20. On what date did Edward Heller die?
21. Provide copies of the following tax returns for the Estate:
  - a. Federal Form 706.
  - b. State Inheritance Tax Return.
22. Identify and provide copies of all probate filings in any state for the Estate.
23. Identify and provide copies of all documents showing receipts and expenditures, assets and liabilities, profits and losses, distributions of corpus and income (including the name and social security numbers of beneficiaries), and all other records used for recording the Estate's financial affairs.
24. Identify and provide copies of all documents showing agreements between the Estate and other persons.
25. Identify and provide copies of all documents showing transactions between the Estate, its executors and personal representatives, and beneficiaries.
26. Did Edward Heller create any Trusts or was he the beneficiary, settlor, grantor or trustee of any Trust?
27. Did Edward Heller transfer any assets greater than \$10,000 within three years of his death?
28. What assets are/were available in Edward Heller's Estate and to whom will they be/were they distributed?
29. Who is/are the executor(s) of Edward Heller's Estate?
30. Did/does Edward Heller's Estate include his stock or other interest in the Clearview Land Development Company? If so, to whom was such stock or interest distributed or to whom will it be distributed? If such stock or other interest was not included in the Estate, please explain in detail why it was not, and what was/will be done with it instead.
31. What is/was the last date by which creditors are/were permitted to file claims against the Estate?
32. Please provide a copy of the will, inventory, final accounting, and final distribution, of Edward Heller's Estate.

ORIGINAL  
(Reg)

*Please answer the following additional questions.*

33. In Schedule B, Personal Property, filed as part of your Chapter 7 bankruptcy proceedings in the Eastern District of Pennsylvania in April 2001, you list your "equitable interest" in the real property located at Avenue A and Darby Creek, Darby Township, PA. Please describe the extent of your equitable interest in the property and through what means you arrived at such an interest.
34. For your company C & E Transfer Company ("C & E") please provide the following:
  - a. Current address and telephone number;
  - b. State and date of incorporation;
  - c. Description of the nature of business conducted by C & E; and,
  - d. Detailed description of your involvement with the company.
35. For your company Philly Fasteners, Inc. ("Philly Fasteners") please provide the following:
  - a. Current address and telephone number;
  - b. State and date of incorporation;
  - c. Description of the nature of business conducted by Philly Fasteners; and
  - d. Detailed description of your involvement with the company.





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

Lower Darby Creek Area Superfund Site  
Clearview Landfill

**Affidavit of Harry R. Steinmetz**

- I. I, Harry R. Steinmetz, am employed by the United States Environmental Protection Agency ("USEPA"), as a Civil Investigator in the PRP Investigation and Site Information Section of the Hazardous Sites Cleanup Division and have been employed continuously in this capacity since October 1989;
- II. On Wednesday, July 17, 2002, at the request of Civil Investigator Carlyn Winter Prisk and Senior Assistant Regional Counsel Brian Nishitani, I traveled by car to the residence of Richard R. Heller located at 312 Woodridge Lane, Wallingford, PA 19086 to deliver the following three letters from the USEPA to Richard R. Heller;
  - A. Notice of Potential Liability and Notice of Decision Not to Use Special Notice Procedures for Remedial Investigation/Feasibility Study, for the Lower Darby Creek Area Superfund Site, Clearview Landfill, addressed to Richard R. Heller, an individual, and dated June 11, 2002;
  - B. Request for Information, pursuant to 42 U.S.C. § 9604(e), CERCLA § 104(e), addressed to Richard R. Heller, an individual, and dated July 3, 2002; and
  - C. Notice of Potential Liability and Notice of Decision Not to Use Special Notice Procedures for Remedial Investigation/Feasibility Study, for the Lower Darby Creek Area Superfund Site, Clearview Landfill, addressed to Richard R. Heller, for the Clearview Land Development Company, Inc, and dated June 11, 2002.
- III. The above listed letters A and C were originally sent to Richard R. Heller via Certified Mail, Return Receipt Requested, but were returned to EPA by the United States Postal Service because the intended recipient would not accept their delivery;
- IV. On Wednesday, July 17, 2002, at approximately 3:50pm I arrived at the Richard R. Heller residence and inquired and was told by an individual who identified himself as Brian Heller, twenty years of age and residing in that household, that Richard R. Heller was not currently at his residence;
- V. I provided Brian Heller with a sealed envelope containing the above referenced letters and displayed my credentials as a Civil Investigator with the USEPA;



Affidavit of Harry R. Steinmetz  
Lower Darby Creek Area Superfund Site  
Clearview Landfill

2

- VI. The letters were accepted, and signed for Richard R. Heller by Brian Heller (document attached).
- VII. I asked Brian Heller to ensure that Richard R. Heller received the letters when he returned home later that evening and Brian Heller agreed to do so.

I, Harry R. Steinmetz, declare under penalty of perjury that the foregoing is true and correct pursuant to 28 U.S.C. § 1746.

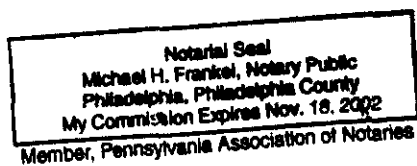
  
Harry R. Steinmetz

7/23/02  
Date

Sworn to and subscribed to before me on July 23, 2002, by Affiant, Harry R. Steinmetz, who is who produced a Driver's License, issued in the Commonwealth of Pennsylvania, as identification.

  
Michael Frankel

Notary Public in the Commonwealth of Pennsylvania





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

19103-2029  
(REG)

I, Richard R. Heller, hereby accept service of  
(Print Name)  
the following documents:

- Notice of Potential Liability and Notice of Decision Not to Use Special Notice Procedures for Remedial Investigation/Feasibility Study, for the Lower Darby Creek Area Superfund Site, Clearview Landfill, addressed to Richard R. Heller, an individual, and dated June 11, 2002;
- Request for Information, pursuant to 42 U.S.C. § 9604(e), CERCLA § 104(e), addressed to Richard R. Heller, an individual, and dated July 3, 2002; and
- Notice of Potential Liability and Notice of Decision Not to Use Special Notice Procedures for Remedial Investigation/Feasibility Study, for the Lower Darby Creek Area Superfund Site, Clearview Landfill, addressed to Richard R. Heller, for the Clearview Land Development Company, Inc., and dated June 11, 2002.

Richard R. Heller  
(Signature of recipient)

7/17/02  
(Date)



100-100  
(Reg)

\*\*\*\*\*  
IN THE CIRCUIT COURT \* CASE NO: 01-002127-CP-02  
OF THE ELEVENTH JUDICIAL \* C A S E \* JUDICIAL SECTION: 04  
CIRCUIT OF FLORIDA \* I N F O R M A T I O N \* ACTION: 30 ADMINISTRATION  
IN AND FOR DADE COUNTY \* D O C K E T \* RECEIPT NUMBER: 137713  
\*\* OPEN \*\*  
\*\*\*\*\*

WARD/DECD: HELLER, EDWARD I

DC = DECEDENT  
CK = DECEDENT AKA  
PT = PETITIONER  
PR = PERSONAL REPRESENTA  
CV = CAVEATOR  
CT = CURATOR  
TR = TRUSTEE  
IP = INTERESTED PARTY  
PN = PLAINTIFF  
PK = PLAINTIFF AKA  
DN = DEFENDANT  
DK = DEFENDANT AKA

\*\*\*\*\*  
PARTY ATTORNEY

DC01 HELLER, EDWARD I

ATTORNEY UNKNOWN

PT01 FISCHMAN, CORINNE

MICHAEL J. EISLER

PT02 SHAPIRO, BARBARA

MICHAEL J. EISLER

PT03 HELLER, RICHARD

MICHAEL J. EISLER

TR01 EDWARD HELLER

ATTORNEY UNKNOWN

PR01 FISCHMAN, CORINNE

MICHAEL J. EISLER

PR02 HELLER, RICHARD

MICHAEL J. EISLER

PR03 SHAPIRO, BARBARA

MICHAEL J. EISLER

CV01 EQUITABLE BANK

ATTORNEY UNKNOWN

RA01 EISLER, MICHAEL

ATTORNEY UNKNOWN

\*\*\*\*\*

\*\*\*\*\*

DATE

PLEADING DESCRIPTION

04/11/2002	FORMAL NOTICE			
04/11/2002	CONSENT:			
	TO ENTRY OF ORDER ON PETT TO DETERMINE HMSTD			
04/11/2002	PETITION FOR DET OF HEIRS/BENEF/HOMEST	BK:20311	PG:3589	
02/25/2002	ANSWER TO FORMAL NOTI & TO PETT TO DETERMNE HOMSTD ETC			
02/21/2002	PETITION FOR DET OF HEIRS/BENEF/HOMEST	BK:20199	PG:4251	
02/21/2002	FORMAL NOTI - PETT TO DETERMNE HOMSTD REAL PRPRTY			
10/15/2001	NOTICE OF CHANGE OF ADDRESS			
10/09/2001	OBJECTION:			
	TO CLAIM BY AMERICAN EXPRESS - RICHARD HELLER			
10/09/2001	OBJECTION:			
	TO CLAIM BY AMERICAN EXPRESS - CORINNE FISCHMAN			
10/09/2001	OBJECTION:			
	TO CLAIM BY AMERICAN EXPRESS CENTURION			
10/09/2001	OBJECTION:			
	TO CLAIM BY AMERICAN EXPRESS CENTURION			
10/09/2001	OBJECTION:			
	TO CLAIM BY AMERICAN EXPRESS CENTURION			
10/09/2001	OBJECTION:			
	TO CLAIM BY AMERICAN EXPRESS			
09/07/2001	RETM ENTERED OR DUPLICATED IN ERROR			
09/07/2001	RETURNED MAIL			
	CLAIM			
08/22/2001	CLAIM FILED AGAINST ESTATE			
	FROM: AMERICAN EXPRESS CENTURIO (8/27/01)			
08/22/2001	CLAIM FILED AGAINST ESTATE			
	FROM: AMERICAN EXPRESS (8/27/01)			
08/16/2001	OBJECTION:			
	TO CLAIM BY EQUITABLE BANK			
08/16/2001	OBJECTION:			
	TO CLAIM BY EQUITABLE BANK			
08/16/2001	OBJECTION:			
	TO CLAIM BY EQUITABLE BANK			
08/07/2001	RETURNED MAIL			
	CLAIM			
07/19/2001	CLAIM FILED AGAINST ESTATE			
	FROM: EQUITABLE BANK (7/25/01)			
07/02/2001	CAVEAT FILED 07/02/2001	\$	0.00	0
	CV01			
06/27/2001	CLAIM FILED AGAINST ESTATE			
	FROM: STEPHEN N. ROSENTHAL & RICHARD GOLDEN (6/29/01)			
06/08/2001	PROOF OF NOTICE OF ADMINISTRATION PUB DATE :06/01/2001			
05/24/2001	LETTERS OF ADMINISTRATION	BK:19674	PG:2164	
05/24/2001	OATH OF PERSONAL REPRESENTATIVE	BK:19674	PG:2160	
05/24/2001	ORDER APPOINT PERSONAL NB \$	0.00	DP	
	PR01 PR02 PR03			
05/16/2001	INVENTORY FILED			Y
05/16/2001	DEATH CERTIFICATE			
05/16/2001	LETTER OF CORRESPONDENCE			
	FROM ARNOLD STRAUS JR			
05/16/2001	PETITION FOR ADMINISTRATION	BK:19674	PG:2156	
05/16/2001	CAVEAT FILED 10/27/2000	\$	0.00	0
	CV01			

\*\*\*\*\*06/06/2002\*\*\*\*\*12.56.45\*\*\*\*\*



*James Asher Lynch, III*

Attorney and Counsellor at Law

66 West Eagle Road, Suite 100  
Havertown, Pennsylvania 19083

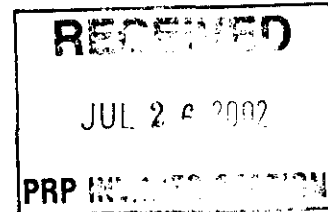
Telephone: (610) 446-4340

Fax: (610) 446-8141

Reply to: Havertown Office

July 22, 2002

Ms. Joan Armstrong, Chief  
PRP Investigation and Site  
Information Section  
U.S. Environmental Protection Agency  
1650 Arch Street  
Philadelphia, PA 19103-2029



**RE: Required Submission of Additional Information  
Lower Darby Creek Area Superfund Site -  
Clearview Landfill, Folcroft Landfill and  
Folcroft Landfill Annex**

Dear Ms. Armstrong:

In reply to your letter of July 3, 2002 requesting additional information as set forth in Enclosure F of your letter, I am hereby responding on behalf of Mr. Richard Heller:

**Enclosure F**

**Answers to Information Requested:**

1. The tenants or former tenants listed in Question No. 1 did not have written lease arrangements or agreements with Mr. Richard Heller and/or Clearview Land Development Company, to his knowledge.

2. (a) City Wide Services, Inc. This Company had an oral lease agreement with Mr. Edward Heller and, over the years, paid varying amounts of rent from between \$2,500 - \$5,000 on a monthly basis. No rent has been paid since the death of Edward Heller. City Wide Services, Inc. has always been a subtenant of Richard Heller. In addition to the aforesaid monthly payments, the verbal lease arrangement called for Mr. Richard Heller to pay all real estate taxes on the property on a yearly basis.

(b) Bob O'Donnell Company - This Company is a subtenant of Richard Heller and has a verbal lease agreement for a portion of the property leased by Richard Heller from Clearview Land Development Company.

Ms. Joan Armstrong, Chief

July 22, 2002

Page 2

(c) Hercules Hose Company - This Company is no longer a tenant but did in the past have a verbal lease agreement with City Wide Services, Inc.

(d) DiLorenzo Company - This Company is no longer a tenant but did in the past have a verbal lease agreement with Mr. Richard Heller.

(e) Robert Cianci Vehicle Junkyard - This Company is no longer there because they failed to pay rent and subsequently moved.

(f) Roma Associates - This Company is no longer there because they failed to pay rent and subsequently moved.

(g) Piotti Construction - This Company pays the sum of \$400 to Richard Heller per month per verbal lease agreement.

(h) C&E Transfer Companies - This Company has never been a tenant and has never paid rent to anyone, however, they were allowed the use of some of the facilities at the site for equipment and business purposes as a courtesy extended by Mr. Richard Heller to his wife, Faye Heller.

(i) Philly Fasteners, Inc. - This Company has never been a tenant and has never paid rent to anyone, however, they were allowed the use of some of the facilities at the site for equipment and business purposes as a courtesy extended by Mr. Richard Heller to his wife, Faye Heller.

(j) Enforcement Towing - This was a former tenant of Mr. Richard Heller and this Company paid rent per verbal agreement to Mr. Heller.

3. It was always the understanding of Mr. Richard Heller that his mother, Ethel Heller, owned at least 99% of all outstanding stock issued by the Clearview Land Development Company, Inc. Mr. Richard Heller also believes that by virtue of

Ms. Joan Armstrong, Chief  
July 22, 2002  
Page 3

her stock ownership, she also owned, at least in name only, the Clearview Land Development Company and its assets, which include the site at 84th Street and Buist Avenue. The property itself is titled under the name of Clearview Land Development Company, Inc. Therefore, technically speaking, Clearview Land Development Company, Inc., a Pennsylvania corporation, is the owner of the subject property.

4. Mr. Richard Heller personally paid the real estate taxes on the subject property from 1974 to present, as part of the lease agreement between himself and the Clearview Land Development Company, Inc.

5. Refer to answer to No. 4.

6. Mr. Richard Heller has been advised by his former attorney, James A. Lynch, Sr., now deceased, that his mother, Ethel Heller, died intestate. Mr. Richard Heller does not know if her estate was ever probated by her husband, Mr. Edward Heller, nor does he know as to whether or not her share in the Clearview Land Development Company were ever transferred to other individuals.

7. Mrs. Ethel Heller died on October 25, 1995.

8. Mr. Heller has no access nor copies of the requested tax returns and has no idea whatsoever if they were even filed.

9. Mr. Heller has no copies of any probate filings in any state for the Estate of Ethel Heller. However, the executors of the Estate of Edward I. Heller, are his daughters, Barbara Shapiro and Corrine Fishman, both of the State of Florida, and they may have probate filings that were filed in connection with the Ethel Heller Estate.

10. Mr. Heller has none of the records requested in this paragraph, nor does he know them to exist. However, he suspects that if any of these documents do exist, they were in the



possession of his father, now deceased. Mr. Heller has no access to these records as he is not the Executor of his father's Estate.

11. Refer to Answer to Question 10.
12. Refer to Answers provided to Questions 9, 10 and 11.
13. Mr. Richard Heller has no knowledge that Ethel Heller created any trust or was the beneficiary of any trust.
14. Mr. Heller has no knowledge of any such transactions.
15. Refer to Answers to Questions 9, 10 and 11.
16. Mr. Richard Heller believes that the Executor of Ethel Heller's Estate was his father, Edward Heller, also known as Isadore Edward Heller.
17. Mr. Richard Heller has no knowledge as to the assets of his mother's estate nor does he know whether her stock, if any, was ever distributed.
18. Mr. Richard Heller has no knowledge as to the last date by which creditors were permitted to file claims against the Estate of Ethel Heller as he was not involved in the disposition of her Estate or her assets.
19. Mr. Richard Heller has been advised that his mother had no Will and he does not believe her Estate was ever probated as all of this was the responsibility of his father.
20. Mr. Edward Heller died on October 11, 2000.
21. Mr. Richard Heller has no copies of the requested tax returns, nor does he know whether or not they exist.
22. Mr. Richard Heller has no copies of any probate filings. The Executors of his father's Estate were Edward

Ms. Joan Armstrong, Chief  
July 22, 2002  
Page 5

Heller's two daughters, Barbara Shapiro and Corrine Fishman, both of the State of Florida.

23. Mr. Richard Heller has no personal knowledge nor does he have copies of the requested documents. Please refer these questions to the aforementioned Executrixes of the Estate.

24-27. Refer to Answers to Questions 22 and 23.

28. Mr. Richard Heller has been advised that the only assets of his father's Estate were a condominium in Miami Beach, Florida. It is his understanding that the condominium was sold and the proceeds were divided and he received the sum of either \$2,500 or \$3,500, as his share.

29. Barbara Shapiro and Corrine Fishman.

30. Refer to Answers to Questions 22 and 23.

31. Refer to Answer to Question 22.

32. Mr. Richard Heller does not have any of these documents and would refer you to the aforementioned Executrixes of the Estate.

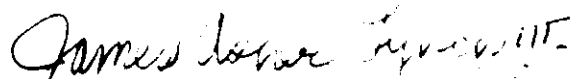
33. Mr. Richard Heller was advised by Bankruptcy counsel to list an "equitable interest" in the property located at Avenue A and Darby Creek Road, Darby Township, PA. Mr. Heller personally has no idea as to the extent of his equitable interest in the property, if any. He is still a tenant at the property by virtue of a long-standing verbal lease agreement with Clearview Land Development Company, but he is paying no monthly rental.

34. Mr. Heller does not have any company known as C&E Transfer Company. He owns no stock in the aforesaid company, nor is he an officer, director or employee.

Ms. Joan Armstrong, Chief  
July 22, 2002  
Page 6

35. Refer to Answer to Question 34.

Very truly yours,

  
JAMES ASHER LYNCH, III

JAL/rlw